

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

-----X  
**JOANNE CICCONE,**

**Plaintiff(s),**

**-against-**

**THE CITY OF NEW YORK, THE NEW YORK CITY  
POLICE DEPARTMENT, THE OFFICE OF THE  
DISTRICT ATTORNEY KINGS COUNTY, CHARLES  
J. HYNES, DETECTIVE "DEFOLEY", LEIUTENANT  
IOFFE, POLICE OFFICER DIGNA J. LIND, POLICE  
OFFICER(S) "JANE AND JOHN DOE 1-7,"  
ASSISTANT DISTRICT ATTORNEY(S) "JANE AND  
JOHN DOE 1-10," AND CHRISTOPHER TYNDORF,**

**Defendant(s).**  
-----X

**Index No.:  
Date Purchased:  
SUMMONS**

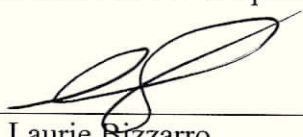
**Plaintiff designates  
Kings County as the  
place of trial.**

**The basis of venue is:  
WHERE  
DEFENDANT  
TYNDORF  
RESIDES:  
7101 4<sup>TH</sup> Avenue, 2<sup>nd</sup>  
Floor, Brooklyn, NY  
11209  
County of Kings**

**To the above named Defendants:**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: BROOKLYN, NEW YORK  
May 27, 2014

  
By: C. Laurie Bizzarro  
**THE LAW OFFICE OF  
C. LAURIE BIZZARRO, P.C.**  
Attorneys for Plaintiff(s)  
**JOANNE CICCONE**  
100 Marine Avenue, Suite 6G  
Brooklyn, New York 11209  
(718) 833-8246  
Our File No. 10700-2013

TO:

**THE CITY OF NEW YORK, 1 Centre Street, New York, NY 10007;**

The Corporation Counsel of the City of New York, 100 Church Street, NYC 10007;

**THE NEW YORK CITY POLICE DEPARTMENT**, One Police Plaza, New York, NY 10272;

**THE OFFICE OF THE DISTRICT ATTORNEY KINGS COUNTY**, Renaissance Plaza, 350 Jay Street, Brooklyn, NY 11201.

**CHARLES J. HYNES, c/o THE OFFICE OF THE DISTRICT ATTORNEY KINGS COUNTY**, Renaissance Plaza, 350 Jay Street, Brooklyn, NY 11201.

**DETECTIVE "DEFOLEY" c/o THE CITY OF NEW YORK**, 1 Centre Street, New York, NY 10007

**LEIUTENANT IOFFE, c/o THE CITY OF NEW YORK**, 1 Centre Street, New York, NY 10007

**POLICE OFFICER DIGNA J. LIND, c/o THE CITY OF NEW YORK**, 1 Centre Street, New York, NY 10007

**POLICE OFFICER(S) "JANE AND JOHN DOE 1-7," c/o THE CITY OF NEW YORK**, 1 Centre Street, New York, NY 10007

**ASSISTANT DISTRICT ATTORNEY(S) "JANE AND JOHN DOE 1-10," c/o OFFICE OF THE DISTRICT ATTORNEY KINGS COUNTY**, Renaissance Plaza, 350 Jay Street, Brooklyn, NY 11201

**CHRISTOPHER TYNDORF**, 7101 4<sup>TH</sup> Avenue, 2<sup>nd</sup> Floor, Brooklyn, NY 11209

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS**

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**JOANNE CICCONE,**

**Plaintiff(s),**

**-against-**

**Index No.:  
VERIFIED  
COMPLAINT**

**THE CITY OF NEW YORK, THE NEW YORK CITY  
POLICE DEPARTMENT, THE OFFICE OF THE  
DISTRICT ATTORNEY KINGS COUNTY, CHARLES J.  
HYNES, DETECTIVE "DEFOLEY", LEIUTENANT  
IOFFE, POLICE OFFICER DIGNA J. LIND, POLICE  
OFFICER(S) "JANE AND JOHN DOE 1-7," ASSISTANT  
DISTRICT ATTORNEY(S) "JANE AND JOHN DOE  
1-10," AND CHRISTOPHER TYNDORF,**

**Defendant(s).**  
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Plaintiff **JOANNE CICCONE**, by her attorneys, **THE LAW OFFICE OF C.  
LAURIE BIZZARRO, P.C.** complaining of the Defendants **THE CITY OF NEW  
YORK, THE NEW YORK CITY POLICE DEPARTMENT, THE OFFICE OF THE  
DISTRICT ATTORNEY KINGS COUNTY, CHARLES J. HYNES, DETECTIVE  
"DEFOLEY", LEIUTENANT IOFFE, POLICE OFFICER DIGNA J. LIND,  
POLICE OFFICER(S) "JANE AND JOHN DOE 1-7," ASSISTANT DISTRICT  
ATTORNEY(S) "JANE AND JOHN DOE 1-10," AND CHRISTOPHER TYNDORF**  
respectfully alleges, upon information and belief, as follows:

**PRELIMINARY STATEMENT**

1. That at all times hereinafter mentioned the plaintiff, **JOANNE CICCONE** was  
and still is a resident of Kings County, State of New York.



2. That at all times hereinafter mentioned the defendant, **CHRISTOPHER TYNDORF** was and still is a resident of Kings County, State of New York.

3. That at all times hereinafter mentioned the defendant, **THE CITY OF NEW YORK** was and is a municipal corporation, duly organized and existing under by virtue of the laws of the State of New York .

4. That at all times hereinafter mentioned the defendant, **THE NEW YORK CITY POLICE DEPARTMENT** was and is a department of the City of New York, duly organized and existing under by virtue of the laws of the State of New York.

5. That at all times hereinafter mentioned the defendant, **THE OFFICE OF THE DISTRICT ATTORNEY KINGS COUNTY (AKA BROOKLYN DISTRICT ATTORNEY'S OFFICE)** was and is an entity operating under the auspices of the City of New York, duly organized and existing under by virtue of the laws of the State of New York.

6. That at all times hereinafter mentioned the defendant, **CHARLES J. HYNES**, was employed with **THE OFFICE OF THE DISTRICT ATTORNEY KINGS COUNTY**.

7. That at all times hereinafter mentioned the defendants, **ASSISTANT DISTRICT ATTORNEY(S) "JANE AND JOHN DOE 1-10,"** were and still are employed with **THE OFFICE OF THE DISTRICT ATTORNEY KINGS COUNTY**.

8. That at all times hereinafter mentioned the defendants, **CHARLES J. HYNES** and **ASSISTANT DISTRICT ATTORNEY(S) "JANE AND JOHN DOE 1-10,"** were and

still are agents of **THE OFFICE OF THE DISTRICT ATTORNEY KINGS COUNTY.**

9. That at all times hereinafter mentioned the defendant, **DETECTIVE "DEFOLEY"**, was and still is employed with **THE NEW YORK CITY POLICE DEPARTMENT.**

10. That at all times hereinafter mentioned the defendant, **LEIUTENANT IOFFE**, was and still is employed with **THE NEW YORK CITY POLICE DEPARTMENT.**

11. That at all times hereinafter mentioned the defendant, **POLICE OFFICER DIGNA J. LIND**, was and still is employed with **THE NEW YORK CITY POLICE DEPARTMENT.**

12. That at all times hereinafter mentioned the defendants, **POLICE OFFICER(S) "JANE AND JOHN DOE 1-7,"** were and still are employed with **THE NEW YORK CITY POLICE DEPARTMENT.**

13. That prior to the institution of this action and within ninety (90) days from the date when the cause of action accrued herein, a notice of claim was duly served upon and filed with the city on behalf of plaintiff; that this action was not commenced until the expiration of thirty (30) days after such notice of claim and intention to sue was presented and the city has neglected and/or refused to make adjustment or payment thereon, and this action is being commenced within one year and ninety days after the causes of action accrued herein.

14. That at all time herein mentioned, the individual defendant officers, lieutenants, detectives and assistant district attorneys were acting within the scope and course of their employment and relationship with the New York Police Department and the Office of the District Attorney Kings County/Brooklyn District Attorney's Office, and under color of state law.

15. That at all times herein mentioned, all of the actions of individually named defendants alleged herein was done within the scope and course of their employment with the New York Police Department and the Office of the District Attorney Kings County/Brooklyn District Attorney's Office, and under color of the state law.

16. That all of the causes of action pleaded herein fall within one or more of the exceptions set forth in New York's Civil Practice Law & Rules 1602 with respect to joint and several liability.

#### **FIRST CAUSE OF ACTION**

17. Plaintiff repeats and realleges each and every allegation contained above as though set forth at length herein.

18. That on or about June 16, 2013, at or around 7319 5<sup>th</sup> Avenue, Brooklyn, New York 11209, New York, the City, its agents, servants and employees, including but not limited to the detective/ officers, wrongfully and falsely arrested, imprisoned and detained plaintiff without any right or justifiable grounds therefore.

19. That the aforesaid arrest, detention and imprisonment continued at various locations.

20. That the said arrest, detention and imprisonment was caused by the City, its agents, servants and employees, including but not limited to the police officers, without a warrant and without any reasonable cause or belief that plaintiff was in fact guilty of any crime.

21. That the city, its agents, servants and employees, as set forth above, intended to confine plaintiff; that plaintiff was conscious of the confinement; that plaintiff did not consent to the confinement; and that the confinement was not otherwise privileged.

22. That by reason of the false arrest, imprisonment and detention of plaintiff, plaintiff was subjected to great indignities, humiliation and ridicule in being so detained, and was greatly injured in her credit and circumstances and was prevented and hindered from performing and transacting her necessary affairs and her business and employment, and was caused to suffer much pain in both mind and body, and to sustain economic loss, and was otherwise damaged.

### **SECOND CAUSE OF ACTION**

23. Plaintiff repeats and realleges each and every allegation contained in the First Cause of Action as if fully set forth at length herein.

24. That immediately prior to and during the course of her arrest and detention, plaintiff was assaulted and battered by said police officer **LIND**.



25. That the reason of the aforesaid, plaintiff sustained personal injuries, endured and will endure pain and suffering and loss of enjoyment of life, and economic loss, and was otherwise damaged.

### **THIRD CAUSE OF ACTION**

26. Plaintiff repeats and realleges each and every allegation contained in the First and Second Causes of Action as if fully set forth at length herein.

27. That prior to and following her arrest, plaintiff was wrongfully, falsely and maliciously charged by defendants and prosecuted with various crimes of which she was innocent.

28. All named Defendants initiated or continued a criminal proceeding against the Plaintiff despite the lack of probable cause, and they did so with the intent of malice in the pursuit of that proceeding. The criminal proceeding was terminated in the favor of plaintiff. Furthermore, Plaintiff suffered special damage to, or interference with, her personal and property rights.

29. That as a result thereof, plaintiff was required to appear in court to defend against these wrongful charges.

30. That on or about October 3, 2013, the aforesaid charges against plaintiff were dismissed.

31. That as a result of the aforesaid malicious prosecution, plaintiff was subjected to great indignities, humiliation ridicule, was greatly injured in her credit and circumstances



and was prevented and hindered from performing and transacting her necessary affairs and business and employment, and was caused to suffer much pain in both mind and body, and to sustain economic loss, and was otherwise damaged.

#### **FOURTH CAUSE OF ACTION**

32. Plaintiff repeats and realleges each and every allegation contained in the First, Second, and Third Causes of Action as if fully set forth at length herein.

33. That the aforesaid actions, and resulting injuries to plaintiff, were due to the negligence of the City in the hiring, retention, and training of its employees, including the police officers involved in the arrest, assault and battery, and malicious prosecution of the plaintiff.

#### **FIFTH CAUSE OF ACTION**

34. Plaintiff repeats and realleges each and every allegation contained in the First, Second Third, and Fourth Causes of Action as if fully set forth at length herein.

35. That plaintiff was deprived of her rights, privileges and immunities secured by the Constitution of the United States of America and of the state of New York, and her rights pursuant to 42 USC sec.1983 by those who, under color of a statute or regulation of a state, caused plaintiff to be so deprived.

36. That the aforesaid actions by the detective officers and prosecutors were done pursuant to an official municipal policy or custom of the city, which policy involved the indiscriminate detention, interrogation, intimidation, and prosecution of individuals were engaged in criminal conduct, and for the purpose of thwarting the fair administration of justice.

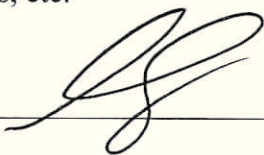
37. That defendants herein, their agents, servants and employees, motivated in part by class-based, invidiously discriminatory animus, and/or racial and/or ethnic animus, conspired to deprive plaintiff of her federal civil and constitutional rights, in violation of 42 USC 1985.

38. That by reason of the foregoing, Plaintiff, was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, plaintiff demands judgment against defendants, and each of them, on all of the foregoing causes of action, in the form of compensatory damages for her pain and suffering, loss of enjoyment of life, and economic loss, in an amount that exceeds the jurisdictional limits of all lower courts that otherwise would have jurisdiction in the matter, and plaintiff further demands punitive damages on all causes of action, in an amount to be determined by the trier of fact, together with attorney's fees, and together with costs and disbursements.

DATED: Brooklyn, New York  
May 27, 2014

Yours, etc.

A handwritten signature in black ink, consisting of a stylized, cursive 'A' or 'J' shape, is written over a horizontal line.

By: C. Laurie Bizzarro  
**THE LAW OFFICE OF**  
**C. LAURIE BIZZARRO, P.C.**  
Attorneys for Plaintiff(s)  
**JOANNE CICCONE**  
100 Marine Avenue, Suite 6G  
Brooklyn, New York 11209  
(718) 833-8246  
Our File No. 10700-2013



VERIFICATION BY AFFIDAVIT

STATE OF NEW YORK, COUNTY OF Kings ss:

Joanne Ciccone, being duly sworn, says:

I am a Plaintiff in the action herein: I have read the annexed

COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my personal files.

Dated: NEW YORK, NEW YORK  
May 28, 2004

X Joanne Ciccone

Subscribed and sworn to before me  
this 28 day of May, 2004

[Signature]  
NOTARY PUBLIC

CAROL LAURA BIZZARRO  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02BI6172078  
QUALIFIED IN KINGS COUNTY  
COMMISSION EXPIRES 12/7 2015

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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JOANNE CICCONE,

**CERTIFICATION**

**Plaintiff(s),**

**-against-**

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OFFICE OF THE DISTRICT ATTORNEY  
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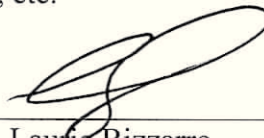
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I hereby certify pursuant to 22 NYCRR§130-1.1a(b) that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the papers listed below or the contentions therein are not frivolous as defined in 22 NYCRR§130-1.1(c) :

**SUMMONS AND VERIFIED COMPLAINT**

DATED: Brooklyn, New York  
May 27, 2014

Yours, etc.



By: C. Laurie Bizzarro

**THE LAW OFFICE OF  
C. LAURIE BIZZARRO, P.C.**  
Attorneys for Plaintiff(s)  
**JOANNE CICCONE**  
100 Marine Avenue, Suite 6G  
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**CHRISTOPHER TYNDORF**, 7101 4<sup>TH</sup> Avenue, 2<sup>nd</sup> Floor, Brooklyn, NY 11209



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TYNDORF,**

**Defendant(s).**

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**SUMMONS AND VERIFIED COMPLAINT**

**THE LAW OFFICE OF C. LAURIE BIZZARRO, P.C.**

Attorneys for Plaintiff(s)

**JOANNE CICCONE**

100 Marine Avenue, Suite 6G

Brooklyn, New York 11209

(718) 833-8246

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**CHRISTOPHER TYNDORF**, 7101 4<sup>TH</sup> Avenue, 2<sup>nd</sup> Floor, Brooklyn, NY 11209